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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,715	10/22/2003	Houk Wang	1572.1163	3957
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STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER PAUL, DISLER	
			ART UNIT 2615	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/689,715	<b>Applicant(s)</b> WANG, HOUK	
	<b>Examiner</b> Disler Paul	<b>Art Unit</b> 2615	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/22/03</u>  | 6) <input type="checkbox"/> Other: ____                           |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4,8-13 are rejected under 35 U.S.C. 102(e) as being anticipated by kanamori et al. ("6,662,022 B1").

Re claim 1, Kanamori et al. disclose an electronic apparatus having a plurality of sound input channels through which audio signals are input ("fig.2"), a plurality of individual volume controllers to individually control output volume levels of the audio signals input through the sound input channels ("fig.2 (203-205)") and a mixer to mix the audio signals provided by the individual volume controllers and to output mixed audio signals ("fig.2 (206); fig.1 (102); col.5 line 25-40"); comprising: a selection part through which one of the sound input channels is selected ("col.9 line 25-47; fig.1(105,108-109)") and a controller controlling the individual volume controllers

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("fig.1 and fig.2 ((201, with main controller)")") and to make the selected sound input channel have a normal volume level and to lower the output volume levels of the unselected input channel below a predetermined volume level ("col.2 line 22-44; col.3 line 1-6; col. 4 line 1-6/the replay music/tone call can be lower for hearing the selected signals of choice").

Re claim 2, the electronic apparatus according to claim 1, further comprising: a setup volume levels previously set up for the unselected sound input channels ("fig.3 (110,114); col.7 line 25-45/ lower to prescribed levels"). However, while Kanamori et al. is silent in regard to the memory for storing setup volume levels. But, kanamori did disclose of the volume set up to a prescribed levels and further of the set up of the volume for input signals in accordance to a user options and stored volume level in accordance to arbitrary volume level of correspondence phone numbers ("fig.3; col.8 line 59-62; col.7 line 25-45/ lower to prescribed levels; col. 3 line 40-45"); col.10 line 25-30; col.3 line 48-52"). Thus with the above disclosure, it is inherent that there must exist such a memory for storing the set up volume levels.

Re claim 3, the electronic apparatus according to claim 2, wherein the controller controls the memory to store initial volume levels of the unselected sound input channels to which the output

volume levels are lowered according to the selected sound input channel ("fig.3 (111)").

Re claim 4, the electronic apparatus according to claim 3, wherein the controller controls the individual volume controllers ("see claim 1 rejections"), to restore the output volume level of a new selected sound input channel to the initial volume level stored in the memory, wherein the new selected sound input channel is one of the unselected sound input channels selected by the selection part ("col.6 line 44-48; col.7 line 1-25/ selecting to restore for talking").

Re claim 8, the electronic apparatus according to claim 2, wherein the setup volume levels are lower than the output volume level of the selected sound input channel ("see claim 1 rejection ") to prevent output sounds of the unselected sound input channels from interfering with an output sound of the selected sound input channels ("col.3 line 20-25; line 35-40").

Re claim 9, the electronic apparatus according to claim 1, wherein the selection part comprises an icon for a telephone call, where when the user clicks on the icon for the telephone call, the output volume levels of the unselected sound input channels is lowered below the predetermined volume level except the output volume level of

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the selected sound input channel ("fig.1,3-4 (105,108,109), col.5 line 45-65").

Re claim 10-13 have been analyzed and rejected with respect to claim 1-4 respectively.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over kanamori et al. ("6,662,022 B1") and further in view of Dan ("6,445,802 B1").

RE claim 5, the electronic apparatus according to claim 3, wherein the controller controls the individual volume controllers ("see claims 1 rejections"), however, kanamori fail to disclose of the limitation of the controller to restore the output volume levels of the unselected sound input channels to the initial volume levels stored in the memory, when the selected sound input channel is released from the selection. However, Dan disclose of a system

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wherein the controller to restore the output volume levels of the unselected sound input channels to the initial volume levels stored in the memory, when the selected sound input channel is released from the selection ("fig.4; col.7 line 15-45") for the purpose of enabling the user to clearly hear the ring-back tone and the like. Thus, taking the combined teaching of kanamori and Dan as a whole, it would have been obvious for one of the ordinary skill in the art to modify kanamori by incorporating the controller to restore the output volume levels of the unselected sound input channels to the initial volume levels stored in the memory, when the selected sound input channel is released from the selection for the purpose of enabling the user to clearly hear the ring-back tone and the like.

Re claim 14 has been analyzed and rejected with respect to claim 5 respectively.

5. Claim 6-7,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over kanamori et al. ("6,662,022 B1") and further in view of Karpenstein ("2002/0118<sup>8</sup>48 A1").

Re claim 6, the electronic apparatus according to claim 1, further comprising: a speaker to output the audio signals of the selected sound input channel to a user ("fig.1 (102); fig.2"). However, Kanamori fail to disclose of the master volume controller to control an output volume level of the mixed audio signals transmitted from the mixer. However, Kapenstein disclose of the master volume

controller to control an output volume level of the mixed audio signals transmitted from the mixer ("fig.2-3; page 3[0029]") for the purpose of mixing with a high level of manual dexterity. Thus, taking the combined teaching of Kanamori and now Kapenstein as a whole, it would have been obvious for one of the ordinary skill in the art to modify Kanamori by incorporating the master volume controller to control an output volume level of the mixed audio signals transmitted from the mixer for the purpose of mixing with a high level of manual dexterity.

Re claim 7, the electronic apparatus according to claim 1, wherein the selection part is a specific key on a keyboard for communicating with the controller ("fig1-5.(105,111)"), However, kanamori fail to disclose of the limitation wherein when the specific key is pushed, a scan code corresponding to the specific key is converted to a system readable scan code and is transmitted to the controller, where the controller processes the system readable scan code and determines the sound input channel is selected. However, official notice is taken that the limitation of the specific key is pushed, a scan code corresponding to the specific key is converted to a system readable scan code and is transmitted to the controller, where the controller processes the system readable scan code and determines the sound input channel is selected is commonly known in the art, thus it would have been obvious for one of the ordinary skill in the art to have modified kanamori by incorporating the limitation



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of having the key with a scan code corresponding to the specific key is converted to a system readable scan code and is transmitted to the controller, where the controller processes the system readable scan code and determines the sound input channel is selected for the purpose of enabling controller to determined scan input code information by the keyboard.

Re claim 15, the method according to claim 10, further comprising: displaying a selection menu ("col.9 line 25-40; fig.1 (105,108-109)"), with the muting and selecting of input channels ("see claim 1 rejection"); however, kanamori et al. fail to disclose of the further details wherein the limitation of the display comprising check boxes to select the one of the sound input channels as a main output channel, and a control bar for each sound input channel, wherein the check boxes of the unselected sound input channels are inactivated and only the output volume is controlled; and lowering the unselected sound input channels to the setup volume level stored in the memory. However, official notice is taken that the *concept* of having the display comprising check boxes to select the one of the sound input channels as a main output channel, and a control bar for each sound input channel, wherein the check boxes of the unselected sound input channels are inactivated and only the output volume is controlled; and

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lowering the unselected sound input channels to the setup volume level stored in the memory is well known in the art and thus it would have been obvious for one of the ordinary skill in the art to modify Kanamori et al. by incorporating such concept with the further details of the display with selection of input channel and main output and control bar for selecting and check boxed of unselected sound input being inactive and lower the unselected sound input to the setup volume level stored in memory for the purpose of providing the user with optimum control of the output volume level.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Disler Paul whose telephone number is 571-270-1187. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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